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#6 374.

Practitioner's Docket No. 00-2024

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: D. R. Jenkins

Application No.: 0 9 679,698

Group No.: 3743

Filed: 10/05/2000

Examiner: C. M. Atkinson

For: Body Heating/Cooling Apparatus

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

JUL 10 2002

TECHNOLOGY CENTER R3700

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is

- ☒ a small entity. A statement:  
☐ is attached.  
☒ was already filed.  
☐ other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date:

06/20/2002

Signature

Maria Reichmanis

(type or print name of person certifying)

(Amendment Transmittal [9-19]—page 1 of 4)

## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: 37 C.F.R. § 1.704(b) ". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Fee: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. FEE RATE	ADDIT. FEE RATE
			OR	
TOTAL	MINUS	=	x\$9 = \$	x\$18 = \$
INDEP.	MINUS	=	x\$42 = \$	x\$84 = \$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+ \$140 = \$	+ \$280 = \$
			TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20."

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_.

### FEE PAYMENT

☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_

☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_

☐ to Deposit Account No. \_\_\_\_\_

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should **not** be included on this form as it may become public.

☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☐ If any additional extension and/or fee is required, charge Account No. \_\_\_\_\_

## AND/OR

- ☐ If any additional fee for claims is required, charge Account No. \_\_\_\_\_

  
SIGNATURE OF PRACTITIONER

Maria Reichmanis

(type or print name of practitioner)

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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: : D. R. Jenkins  
Serial No. : 09/679,698  
Filed : 10/05/2000  
  
Group Art Unit : 8914  
Examiner : C. Atkinson  
  
Atty's Docket No. : 00-2024

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JUL 10 2002  
TECHNOLOGY CENTER R3700

AMENDMENT

The Honorable Commissioner for Patents  
Box Amendment  
Washington, DC 20231

Dear Sir:

The following is in response to the Office communication mailed 06/04/2002.


Applicant thanks the Examiner for his careful review of the Amendment filed on 03/06/2002, and hereby elects for further examination the species construed by the Examiner as being represented by Figs. 1 and 2 (Group A), and the subspecies construed as being represented by Fig. 7 (Group ii). Claims 1, 4, 6, 8-10 and 12-20 are believed to read on the elected species. Applicant respectfully requests that the election of species be entered, and that his application be examined on the merits. Applicant's Information Disclosure Statement under 37 C.F.R. § 1.97(b) was filed on 03/28/2001.

In view of the foregoing remarks, applicant believes the present application is in condition for allowance and respectfully requests reconsideration and passage to

allowance. If Examiner disagrees, he is requested to call applicant's attorney at the telephone number provided below.

Respectfully submitted,

DATED: 06/26/2002

  
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